

TITLE 16  
DEPARTMENT OF [REGULATORY AGENCIES]  
CHAPTER 10  
UNFAIR DISCRIMINATION SOLELY ON THE BASIS OF  
BLINDNESS OR PARTIAL BLINDNESS

Subchapter 1 General Provisions

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Historical Note: Chapter 10 of Title 16, Administrative Rules, is based substantially upon Chapter 11, Title V, Department of Regulatory Agencies, entitled "Unfair Discrimination Solely on the Basis of Blindness or Partial Blindness." [Eff 2/1/79; R 6/22/81]

SUBCHAPTER 1  
GENERAL PROVISIONS

§16-10-1 Purpose. The purpose of this chapter is to identify specific acts or practices which are prohibited by chapters 431 and 434, HRS, and to prohibit unfair discrimination under chapter 433, HRS. [Eff 6/22/81] (Auth: HRS §431:2-201) (Imp: HRS §§431:13-103, 432:1-404, 432:2-610)

§16-10-2 Scope. This chapter shall apply to life and disability insurance contracts issued by insurers and mutual and fraternal benefit societies. [Eff 6/22/81] (Auth: HRS §431:2-201) (Imp: HRS §§431:1-204, 431:1-205, 432:1-303, 432:2-401)

## SUBCHAPTER 2

### UNFAIR DISCRIMINATION ACTS OR PRACTICES; PENALTY

§16-10-3 Unfair discrimination acts or practices. The following are identified as acts or practices which constitute unfair discrimination between individuals of the same class:

- (1) Refusing to insure; or
- (2) Refusing to continue to insure; or
- (3) Limiting the amount, extent or kind of coverage available to an individual; or
- (4) Charging an individual a different rate for the same coverage solely because of blindness or partial blindness, except where the refusal, limitation or rate differential is based on sound actuarial principles or is related to actual or reasonably anticipated experience as may be accepted by the insurance commissioner. [Eff 6/22/81] (Auth: HRS §431:2-201) (Imp: HRS §§431:13-103, 432:1-404, 432:2-610)

§16-10-4 Penalty. Persons found in violation of this chapter shall be subject to such penalties as may be appropriate under chapters 431, 433 and 434, HRS. [Eff 6/22/81] (Auth: HRS §431:2-201) (Imp: HRS §§431:3-217, 431:9-235, 432:1-105, 432:2-703)

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Chapter 10, Unfair Discrimination Solely on the Basis of Blindness or Partial Blindness Rules of Practice and Procedure, on the Summary page dated May 28, 1981, was adopted on May 28, 1981 following a public hearing held on May 28, 1981, after public notice was given in the Honolulu Star-Bulletin on May 8, 1981.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ Mary G.F. Bitterman  
MARY G.F. BITTERMAN  
Director of Regulatory Agencies

APPROVED AS TO FORM:

/s/ Ruth I. Tsujimura  
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/s/ George R. Ariyoshi  
GEORGE R. ARIYOSHI  
Governor  
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June 12, 1981  
Filed